

## RETRIBUTION.

## Judges Barnard and Cardozo Impeached in the Senate.

## Exciting and Interesting Scene in the Assembly.

## THE CROWNING GLORY OF REFORM.

## Eloquent Arraignment of the Corrupt Judges.

## PATHETIC APPEAL OF MR. PRINCE.

## Abhorrent Effort to Have Barnard Removed by Concurrent Resolution.

## The Vote for Impeachment 93 to 16.

## Action in Judge McCunn's Case Deferred for the Present.

ALBANY, May 2, 1872.

Whatever wins this so-called reform Legislature may have to answer for, it must be said in view of the vote of the lower House to-day that there is honor enough left to set the seal of condemnation on anything and everything looking like corruption on the bench. The fact that inasmuch as the Judiciary is vested with complete control over the rights and liberties of the people, and therefore it should be free from all improper influence, was fully recognized in the able speeches that were made in the Assembly on the action of a very large majority of the members. The report of the Judiciary Committee, published in the HERALD to-day, recommended the impeachment of Judge Cardozo and Judge Barnard. In the case of Judge McCunn, the recommendation has been received that no action be taken until the evidence shall have been more carefully considered pending the proceedings for impeachment. Judge Cardozo's resignation was yesterday morning filed in the office of the Secretary of State, and it would seem from the fact that his case was passed over this morning that those to whom the prosecution of the matter has been committed considered the desired result with reference to Cardozo practically accomplished, and that his impeachment would be abandoned. This is a question, however, which has not yet been finally determined.

JUDGE CARDOZO'S CASE APPARENTLY CLEAR.

Notwithstanding the fact that he has sent in his resignation, an effort may yet be made to go on with the proceedings for his impeachment. It is conceded that the case is clear against him, and there is a conviction in the minds of many members that his having tendered his resignation should not be allowed to shield him from that formal condemnation, which, it is believed, is essential to satisfy the demands of justice.

The report of the Judiciary Committee, with the appended resolutions recommending the impeachment of both Judge Cardozo and Judge Barnard, was the special order to-day in the Assembly. Immediately after the reading of the journal, there was a large attendance of members and spectators and a great deal of interest shown in the proceedings. When the special order was announced, Mr. Prince, chairman of the Judiciary Committee, opened the debate in a brief but effective speech, setting forth the importance and necessity of impeachment.

RESOLUTION IMPEACHING JUDGE BARNARD.

The following is the recommendation of the majority of the committee with reference to Judge Barnard:

In the case of George G. Barnard, a Justice of the Supreme Court of this State, and hereby is impeached for mal and corrupt conduct in office.

William W. Niles, C. P. Vedder, Albert L. Hayes, Robert H. Strahan, David B. Hill.

We deem it just to state that by the term "corrupt" in the above resolution we do not mean pecuniary corruption.

THE SAME WORDS BUT SOTHER.

The minority of the committee, who were also in favor of impeachment and who differed from the members only in the form of the resolution, recommended the following as a substitute, believing it to be more regular in its phrasing.

The following members of the committee dissent from the above report so far as it relates to the form of the resolution, and recommend the adoption of the following form of resolution for the purpose of said impeachment:

Resolved, That George G. Barnard, a Justice of the Supreme Court of this State, and hereby is impeached for mal and corrupt conduct in office, and for high crimes and misdemeanors.

L. Bradford Prince, F. W. Toley, Charles A. Flamm, S. J. Tilden.

THE CROWNING GLORY OF REFORM—PRINCE'S SPEECH.

Passing over altogether the case of Judge Cardozo, Mr. Prince, who, though he signed the minority resolution, recommending the impeachment of Judge Barnard for mal and corrupt conduct in office and for high crimes and misdemeanors, moved the adoption of the majority resolution, which differs only in phraseology from the other, and recommends his impeachment for "mal and corrupt conduct in office," omitting the additional and formal phrase, "and for high crimes and misdemeanors." Mr. Prince said the proceedings which now came before the House would constitute an epoch in the history of the State and of the nation. This would be the crowning work of reform which this Legislature was sent here to effect. A year ago there was a power in New York which seemed to reign with well nigh "supreme rule." It controlled not only the heads of the various departments, but even the judiciary itself. An uprising of a great people, coming with the force of an avalanche, overthrew

THE GREAT, CORRUPT OLIGARCHY, and made an end of its giant power forever. In order to perfect and make certain the triumph which the people achieved last fall, the judiciary, which had sustained the reign of misrule and corruption, must be purged. The Bar Association of New York took the initiative steps, and the Legislature is now called upon to carry to a successful conclusion their labors. Already good fruit has resulted from the action taken. Yesterday, at half-past nine o'clock, while the judiciary report was about to be signed, one of the corrupt Judges had sent to the Secretary of State his resignation. The Assembly, he said, sits to-day as a great Grand Jury, and had it in their power to purify the judicial atmosphere for all time to come.

MEMBERS WHO WERE BORN FREE.

In the history of the State, only two are recorded. Never before was a Judge of the Supreme Court presented to the Legislature for trial. It was a matter of peculiar solemnity to attack the record of a member of the judiciary; to Judge sworn to see that justice was done is himself to be impeached for a total want of justice, and for corrupt and maladministration of his office. It is especially infamous that a man who should have seen to it that there was perfect security for all citizens, so conducted himself as to cause all classes and all business operations to feel most insecure. Mr. Prince then referred to the

testimony of a few of the witnesses to show the unfortunate effect which the action of the law courts in New York had upon important branches of business at home and abroad.

RAYING TO KEEP OUT OF SCRAPS.

He quoted part of the testimony of Oakes Ames, former President of the Union Pacific Railroad Company, who, in reply to the question what were the motives inducing the company to remove its offices from New York to Boston, answered:—

"We had injunctions served upon us to prevent the election of officers, and some brought suits against us, as we thought, to put us in the hands of a receiver, and had to pay sums of money to keep out of scraps. We thought that we could not carry on our business in New York without being driven into insolvency or into the hands of a receiver. I need my income at Washington. I want to keep my property at that time. I went there to get a bill passed to remove our office from New York; that bill was authorized to have our office either in New York, Philadelphia, Washington or Boston, and I don't know but some other point; we got the law passed, with a great deal of opposition from James Fisk, or his agents; we moved our office to Boston; we were forced to do so, as we considered, the best interests of the company, because we could not have New York the most commanding place, and we wanted large sums of money and desired to operate largely, and we could do better here than in Boston; but the courts and judges were in such positions that we could not stay here."

Q. In speaking of the Courts and Judiciary of this city, whose action has been so much complained of by the company to remove its office from this city, do you refer to any particular Court? A. Well, Judge Barnard, I think, issued most of the injunctions—Barnard and Cardozo, believe they got one injunction from Judge McCunn.

He also quoted the testimony of Horace P. Clark, President of the Union Pacific Railroad Company, to the same effect. With reference to a discussion among the directors of the Western Union Telegraph Company as to the expediency of providing for the removal of the general office of the company from New York city he said, "Mr. William Orton, the President of the company, testified:—

"An suggestion was made by some one that it would be prudent for the managers of the company to make some provision for a contingency when the courts of the country might be deemed advisable to remove the headquarters of the company from New York."

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such as to appall the public mind in the city of New York. No man, perhaps, is more extensively conversant with the bar and the business of New York city than Mr. George G. Barnard, United States District Judge. He has been in the United States since the last fifteen or twenty years. An alarm went from that centre to the rest of the country, and it was felt in the spirit of a dignified and exalted manhood move onward to the grand consummation of a nation with dispassionate consideration, and with a faith in the justice of our cause that nothing can shake, and under the illumination of human rights that shine like stars let us advance.

Mr. FIELDS then obtained the floor, and appeared as the only open defender of Judge Barnard against the charges against him. He regretted that his health would not permit him to make a longer speech. The gentleman from Queens—Mr. Prince—said, had spoken for forty minutes, and had not time to read the paper which he had prepared. The gentleman who testified Mr. Prince quoted were mostly those who had been disappointed in the result of the election. He then commented on the evidence of Royal Phelps and George Dyke, and proceeded to say a Judge could not be impeached for exercising judicial discretion. He then alluded to the merits of the case, probably because he expected to be appointed one of the managers of the impeachment. The Chancellors appointed their sons and other relatives as clerks; there was as much partiality in the selection of the judges as in the selection of the jury. He then alluded to the evidence of Royal Phelps and George Dyke, and proceeded to say a Judge could not be impeached for exercising judicial discretion.

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